

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY, <div style="text-align: right;">Plaintiffs,</div> <div style="text-align: center;">v.</div> ELIAZAR CISNEROS, HANNAH CEH, JOEYLYNN MESAROS, ROBERT MESAROS, DOLORES PARK, and JOHN and JANE DOES, <div style="text-align: right;">Defendants.</div>		Civil Action No. 1:21-cv-00565-RP Hon. Robert Pitman
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**NON-PARTY’S OBJECTIONS AND MOTION TO
QUASH PLAINTIFFS’ SUBPOENA FOR PRODUCTION OF
DOCUMENTS AND FOR PROTECTIVE ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Naomi Narvaiz, a non-party in the above styled and numbered cause and files her Objections and Motion to Quash Plaintiffs’ Subpoena for the Production of Documents and for a Protective Order and would respectfully show the Honorable Court as follows:

I.

BACKGROUND

On May 12, 2022, Plaintiffs served a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises pursuant to FRCP 45 on Naomi Narvaiz, a non-party, requesting Communications, Documents and Social Media as defined therein to which objection herein is made. Such Subpoena called for compliance by noon May 26, 2022. The underlying

suit was served June 24, 2021 and has never involved Naomi Narvaiz in any way. This Response is made in regard to each and every Requests for Production Nos. 1-15.

II.

SUBPOENA DEFECTS AND CHALLENGE

The challenged Subpoena is defective and thereby objected to as follows:

1. Plaintiffs have attempted to issue a subpoena to a non-party without prescribing to FRCP 45. Such detailed compliance requirements are set out herein which have been dishonored.
2. The challenged Subpoena is violative of FRCP 45 (b)(1) as such requires a tendering of witness fees. At no time prior to, during or after service of the above referenced subpoena has a witness fee been paid to Naomi Narvaiz. See *In re Dennis*, 330 F.3d 696, 704 (5th Cir.2003)
3. FRCP 45 (d)(2)(B) provides for objections to be served the earlier of the time specified for compliance or 14 days after service. As stated, Naomi Narvaiz is entitled to a full reasonable time to respond. No authority has been provided suggesting a “Noon” compliance which is deficient. Additionally, no documentation has been served upon Naomi Narvaiz suggesting that Plaintiffs have complied with FRCP 5 (c) (2) in providing notice of the served subpoena on any of the parties. Further, based upon information and belief, Plaintiffs have not complied with conferring with any party pursuant to FRCP 26.
4. The subpoena subjects Naomi Narvaiz to undue burden. Such burden arises from the overreach of Plaintiffs global request starting with their definitions to which objection is made. The global collective of general definitions is not only unbridled by any scope in time but effectively includes all evidence arising from of Naomi Narvaiz’s life experiences and expressions except for documentation of thought. Collectively, challenge is made to

the relevance of the information requested along with the need of the Plaintiffs for the collateral. It would appear that Plaintiffs are well stocked with information either similar or identical to what has been requested of Naomi Narvaiz. This is evident by the numerous visuals included in Plaintiffs' pleadings. Additionally, there is no end to the breath of materials requested in content or time. Such requested materials in addition to an undue burden or expense but amounts to an invasion of privilege and privacy. Additionally, the subpoenaed information asks for information that is either privileged, protected or may lead to privileged information. Such is easily seen in request for production 14 which asks for "all documents and communications with any counsel for any of the defendants in the above-captioned case...". Naomi Narvaiz has been in a long-standing relationship with counsel Francisco R. Canseco and currently maintains an ongoing working relationship more than sufficient to give rise to an expectation of confidentiality and privilege.

5. The alleged facts of the case as described by Plaintiffs as well as the stated causes of action or counts are remarkably irreconcilable to responsible jurisprudence on the part of Plaintiffs. While the Plaintiffs torture words in an attempt to make an outcry for protection they do so at the expense, in this instance, of Naomi Narvaiz, a non-party who is entitled to her own protection from the Plaintiff's legal abuse. Plaintiffs have in no way described their need for the documents in relation to the nature and importance of the litigation, or lack thereof. The sophistry demonstrated in Plaintiff's pleadings by invoking the Ku Klux Klan Act of 1871 (designed to permit the suspension of the writ of habeas corpus) goes beyond embarrassing but in the case of Naomi Narvaiz, Plaintiff's pleadings are now being used to intimidate and harass a non-party thus making the challenged Subpoena grossly unreasonable and beyond any bounds of legitimate discovery.

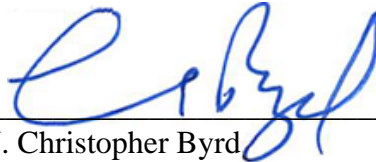
6. For the above reasons Naomi Narvaiz seeks a Protective Order from the Court protecting her from the annoyance, embarrassment, oppression, undue burden or expense of responding to the requested information or any compliance above referenced subpoena.

III.

PRAYER

WHEREFORE, PREMESIS CONSIDERED, Non-Party respectfully requests that her Motion to Quash Plaintiffs' subpoena be granted in all things and further that the Court issue a Protective Order as described herein. Naomi Narvaiz, a Non-Party, further prays for such other relief, both general and special, at law or in equity, to which she may show herself to be justly entitled.

Respectfully submitted,



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CERTIFICATE OF CONFERENCE

Undersigned counsel for the movant attempted to contact counsel who issued the challenged subpoena on May 12, 2022. No discussion of substance of this motion was had prior to its filing. Counsel who issued the subpoena remains opposed to movant.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record pursuant to Texas Rules of Civil Procedure, as indicated below on this 26th day of May 2022 via e-service:

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